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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,296	10/29/2003	Jeffrey Schwartz		5127

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EXAMINER

WALK, SAMUEL J

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/696,296	Applicant(s) SCHWARTZ ET AL.	
	Examiner Samuel J Walk	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Flick (US 6737989).

In reference to Claim 1, Flick discloses a vehicle tracker including variable frequency transmission and related methods wherein claimed electronic tag met by vehicle tracking unit (25); claimed GPS met by vehicle position determining device (42) which upon receipt of GPS signals from GPS satellites, transmits signals indicative of position, see Col. 1 lns 25-32 and Col. 2 lns 6-25.

In reference to Claim 2, Flick further discloses maintaining current vehicle position information by overlaying the vehicle position information on a map using a mapping program, see Col. 25 lns 1-7.

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In reference to Claim 5, see above rejection in reference to Claim 1. In addition, Flick further discloses that a vehicle sensor, such as a motion sensor, is used to activate the GPS receiver, see Col. 20 lns 47-53.

In reference to Claim 6, Flick further discloses memory (52) which stores the vehicle position information therein, see Col. 26 lns 50-57.

In reference to Claim 7, Flick further discloses back-up battery (44) which is internal to vehicle tracking unit (25), vehicle battery (61) which is external to vehicle tracking unit (25) and controller (40) and switch (55) which determines methods of powering, see Fig. 2 and Col. 8 lns 54-64.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Camhi (US 5825283).

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In reference to Claim 3, Flick discloses a system for the tracking of a vehicle. Flick does not disclose geographic boundaries. However, Camhi teaches of a system for the security and auditing of persons and property wherein the integration of user-defined programmable geographic boundaries is used with a tracking system, see Col. 19 lns 15-17. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Camhi into the system of Flick because it would more efficiently and effectively alert the monitoring station upon the theft of the vehicle and parents would be able to more effectively monitor the location of their children.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flick in view of Camhi and in further view of Gioia (US 6067007).

In reference to Claim 4, the combined system of Flick and Camhi disclose a system for monitoring and locating a vehicle with geographic boundaries. Flick and Camhi do not disclose disabling the vehicle. However, Gioia teaches of a method and apparatus for detection notification and location of vehicle theft wherein the security system (12)

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disable the engine (42) by communicating the alarm signal to the electronic engine control module (36), see Col. 4 lns 9-11. Therefore, Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Gioia into the combined system of Flick and Camhi because it would more effectively stop the theft of the vehicle if the vehicle could no longer be moved by itself.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gaukel (US 6072396) discloses an apparatus and method for continuous electronic monitoring and tracking of individuals. Brodie (US 6453238) discloses a navigation system and method for tracking the position of an object. Flick (US 6507786) discloses a vehicle tracker with user registration reminder, and related methods.

Correspondence

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to


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Samuel J Walk whose telephone number is (571) 272-2960.

The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL WU
SUPERVISORY PATENT EXAMINER
3/21/05